

## MEMORANDUM AND ORDER

Petitioner alleges that a detainer has been lodged against him in Middlesex County, Massachusetts. He complains that “he was never informed of his constitutionally protected right to due process dating back to 6-9-08 to [invoke the Interstate Agreement on Detainers Act (“IADA”) for a final disposition].” (Petition, 1-1 at p. 1). He further complains that “the charging state [failed] to notify [petitioner] between 2008 and 2014 as well as refus[ed] to respond after petitioner attempt[ed to invoke] the IADA. Id. Accompanying the petition are copies of several grievances and administrative complaints filed with the Virginia Department of Corrections.

## **II. Preliminary Screening**

The petition has not been served pending the court’s preliminary review of the document. *See* 28 U.S.C. § 2243 (providing that, if “it appears from the application [for a writ of habeas corpus] that the applicant . . . is not entitled [to the writ],” the district court is not required to serve the petition on the respondent); *see also* Rule 4 of the Rules Governing Habeas Corpus Cases under Section 2254 (providing that, if it “plainly appears from the face of the [habeas] petition . . . that the petitioner is not entitled to relief in the district court,” the Court “must dismiss the petition”).<sup>1</sup>

## **III. Discussion**

There is no basis for this court to exercise habeas jurisdiction. District courts are authorized to grant writs of habeas corpus “within their respective jurisdictions,” 28 U.S.C. § 2241(a), and such writs “shall be directed to the person having custody of the person detained.” 28 U.S.C. § 2243.

It is a well-established, simple rule that “[w]henver a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement,” *Rumsfeld v. Padilla*, 542 U.S. 426, 443, 447 (2004) (“the general rule [is] that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement”). Because petitioner is confined in Virginia, this court does not have jurisdiction over this case.

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<sup>1</sup> Rule 4 may be applied at the discretion of the district court to other habeas petitions. *See* Rule 1(b) of the Rules Governing Habeas Corpus Cases under Section 2254.

**IV. Order**

For the foregoing reasons,

1. The petition for writ of habeas corpus is DENIED.
2. This action is DISMISSED. The clerk shall enter a separate order of dismissal.

**So Ordered.**

/s/ F. Dennis Saylor IV

F. Dennis Saylor IV

Chief Judge, United States District Court

Dated: July 20, 2021